Cr Misc 14753-M of 2007

Mr PPS Duggal, Advocate.

The petitioner was declared a proclaimed offender vide order dated 6.2.2003 passed by the learned Special Judge, Muktsar. The petitioner prays for quashing the said order dated 6.2.2003.

Learned counsel for the petitioner submits that along with the petitioner, there are two other co-accused and the evidence in the case has been recorded. It is submitted that the petitioner shall adopt the examination-in-chief, cross-examination as also the defence of the co-accused in the pending trial and that he will not lead any other evidence. It is submitted that the petitioner had remained ill and was under treatment for the last 2-3 years. He has referred to the certificate dated 20.12.2006 (Annexure P5) issued by one Dr RP Singh.

After giving my thoughtful consideration to the matter, it may be noticed that the petitioner was declared a proclaimed offender on 6.2.2003. The fact that he has produced the medical certificate would go to show that he was aware of the proceedings and yet he chose to remain absent. The medical certificate that has been filed on record does not inspire confidence. In any case, the petitioner has his remedy of approaching the Special Judge, Muktsar by whom he was declared a proclaimed offender and seek appropriate relief. The present petition under Section 482, CrPC, therefore, is premature and is accordingly disposed of as such.

8.3.2007. (S.S.SARON)
ASR JUDGE